

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

BRANDON SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV408-166
)	
NURSE SCOTT,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Plaintiff, a prisoner incarcerated at Coastal State Prison, filed this 42 U.S.C. § 1983 case on August 12, 2008, in the United States District Court for the Middle District of Georgia. On August 19, 2008, that court *sua sponte* transferred the case to this Court because all of the events plaintiff complains of took place at Coastal State Prison, which is located within this Court's judicial district. Upon a review of plaintiff's complaint, the Court has discovered that plaintiff raises the same allegations against the same defendants in this case as he does in another action currently before the Court. Smith v. Scott, No. CV408-169. He

filed that action in the Northern District of Georgia on July 28, 2008, and it was transferred to this Court on August 25, 2008. Plaintiff has already been granted permission to proceed *in forma pauperis* in CV408-169, but he has not yet been granted *in forma pauperis* status in this action. Because this action is simply duplicative of another pending action, it should be **DISMISSED**. See generally Fed. R. Civ. P. 42(a).

SO REPORTED AND RECOMMENDED this 12th day of September, 2008.

A handwritten signature in cursive script, appearing to read "J. Smith", is written over a horizontal line.

UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA